Maldon District Council
Core Strategy Development Plan
Document

Habitat Regulations Assessment:
Screening DRAFT

Record of Assessment of Likely Significant Effect on European Sites
Required by Regulation 48 of the Conservation (Natural Habitats & c.)
Regulations 1994 (as amended)

May 2009

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Document History

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<th>Revision</th>
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1. Introduction

Background to this Assessment

1.1 This Habitat Regulations Assessment (HRA) screening report has been produced by Atkins Limited (Atkins) on behalf of Maldon District Council for the Core Strategy Development Plan Document (hereafter referred to as the Core Strategy for the purpose of this report). This document forms part of the Local Development Framework for Maldon District. The boundary covered by the Core Strategy is illustrated in Appendix A.

1.2 The Core Strategy is a strategic level document setting out the planning framework for the next 15 years for Maldon District Council.

Background to Habitat Regulations Assessment

1.3 In the UK, the European Habitats Directive (Directive 92/42/EEC) has been transposed into national legislation in the Conservation (Natural Habitats &c) Regulations 1994 (as amended) (‘the Habitat Regulations’). Regulation 48 of the Habitats Regulations implements the requirements of Article 6.3 of the Directive for Habitats Regulations Assessment for all plans and projects which may have adverse effects on European sites.

1.4 European sites include Special Areas of Conservation (SAC) and Special Protection Areas (SPA). These sites are part of the Natura 2000 network. HRA is also required, as a matter of UK Government policy for potential SPAs (pSPA), candidate SACs (cSAC) and listed Wetlands of International Importance (Ramsar sites) for the purposes of considering plans and projects which may affect them (Ning Policy Statement 9: Biodiversity and Geological Conservation, ODPM, August 2005). Hereafter all of the above designated nature conservation sites are referred to as ‘international sites’.

1.5 Some impacts such as recreational pressure and disturbance are difficult to assess at the Core Strategy stage, as are impacts from development proposals where no definite location is known.

1.6 The general stages of HRA are set out below:

- **Stage 1 – Screening**: To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site;

- **Stage 2 – Appropriate Assessment**: If the screening stage determines that the plan or project is likely to have a significant effect then the next step is to determine whether, in view of an international site’s conservation objectives, the plan or project (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;

- **Stage 3 – Assessment of alternative solutions**: Where a plan or project is assessed as having an adverse impact (or risk of this) on the integrity of a European site at Stage 2, there should be an examination of alternatives at Stage 3 (e.g. alternative locations and designs of development); and,

- **Stage 4 – Assessment where no alternative solutions remain and where adverse impacts remain**: In exceptional circumstance (e.g. where there are imperative reasons of overriding public interest), compensatory measures may be put in place to offset negative impacts.

1.7 This document sets out Stage 1 of the HRA on the Core Strategy. The methodology follows the guidance in The Habitats Regulations Assessment of Regional Spatial Strategies and sub-Regional Strategies (Draft Guidance) produced by Natural England in March 2007.
2. Methodology

Spatial Scope of the Assessment

2.1 An initial scoping review of the Core Strategy in light of the Habitat Regulations has been undertaken by Atkins as part of the HRA screening process. This initial review looked at the geographic extent or zone of influence which any impacts from the Core Strategy could have and therefore which international sites should be included within the assessment.

2.2 The policies within the Core Strategy are mainly of a localised nature and focus on five key themes; balancing housing, prosperity, natural and natural environment, accessibility and people and communities. Many adverse effects from the Core Strategy are considered very unlikely to extend far beyond the district boundary. There are unlikely to be significant emissions to air or water which could be generated through developments such as large scale power stations, and quarry operations as these types of development are not included in the Core Strategy. The main type of impact that may result from the policies within the Core Strategy is that of recreational disturbance (through walkers, dog walkers and possible water based recreation) as a result of additional people living within the district. It is recognised that indirect effects such as recreational pressure may lead to effects outside of the district boundary and there are some international sites which may have features that are sensitive to disturbance from recreational pressure. The Core Strategy includes identification of strategic locations for housing, and contains policies relating to specific areas where individual development, conservation or design considerations apply. Policy CS 3 identifies that a total of 3,000 dwellings are to be provided by 2026. The supporting text to this policy identifies that 1,052 of these have already been completed, leaving a further 1,948 to be built. This assessment takes account of this 1,948 to be constructed, as those already built should have been subject to assessment prior to planning permission being granted.

2.3 The recent England Leisure Visits report states that people will travel up to 17.3 km to a countryside destination (England Leisure Visits: Summary of the 2005 Leisure Visits Survey, Natural England, 2005). As a precaution a 20km buffer around the district boundary has been used for the purposes of scoping international sites to ensure that all sites that may be impacted by recreational pressure beyond the district boundary are considered as part of the HRA process. Therefore the spatial extent for the initial scoping review covered designated sites within the district boundary and internationally designated sites which are located within 20 km of the district boundary.

Scoping of the Designated Sites

2.4 The following internationally designated sites are present within Maldon district boundary:

- Essex Estuaries SAC;
- Blackwater Estuary SPA and Ramsar site;
- Dengie SPA and Ramsar site;
- Crouch and Roach Estuaries SPA and Ramsar site; and,
- Colne Estuary SPA and Ramsar site.

2.5 Four of these sites together form the Mid-Essex Coast SPA and Ramsar site. These are Blackwater Estuary, Colne Estuary, Crouch and Roach Estuaries and Dengie. A fifth site outside of Maldon District is also part of the Mid-Essex Coast SPA and Ramsar site; Foulness SPA.

2.6 The following internationally designated sites are present within 20 km of Maldon District:

- Foulness SPA and Ramsar site;
- Abberton SPA and Ramsar site;
- Benfleet and Southend Marshes SPA and Ramsar site; and,
• Thames Estuary SPA and Ramsar site.

2.7 Brief details on these sites and justifications for either scoping them into, or out of, the screening assessment are given below.

Foulessness SPA/Ramsar

2.8 Foulessness SPA/Ramsar site is located approximately 320 m south of the district boundary, on the southern side of the Crouch Estuary. This site has been eliminated from the HRA due to the nature of the policies and the location of the SPA/Ramsar site. This site is designed for its international important waterfowl assemblage and for the following bird species; Avocet, little tern, common tern, sandwich tern, hen harrier, Bar-tailed godwit, ringer plover, brent goose, knot, oystercatcher, grey plover and redshank. The site is sensitive to recreational species as the bird species may be disturbed by the general public visiting the site and dog walkers.

2.9 The main type of impact that may result from the policies within the Core Strategy is that of recreational disturbance as a result of additional people living within the district. Much of Foulessness SPA/Ramsar site is owned by the Ministry of Defence (MoD) and is not open for public access. It is therefore not subject to development pressures or public disturbance. The coastline around Foulessness is also within a MoD danger area and as such access is restricted for water based recreation. The Natura 2000 data\(^1\) for the SPA and the Ramsar site do not list any vulnerabilities, that could be increased as a result of policies within the Core Strategy.

2.10 The majority of the 1,948 dwellings\(^2\) to be provided by 2026 are to be located around Maldon town and Heybridge\(^3\), which are approximately 17km inland (as the crow flies) from Foulessness SPA/Ramsar site. As such there are no impacts anticipated as a result of air or water pollution as a result of potential increases in waste discharges and traffic arising from additional housing.

2.11 Therefore this site should not be affected by the policies within the Strategy and is not included within the screening assessment.

Abberton SPA/ Ramsar

2.12 Abberton SPA/Ramsar site is located approximately 2.3 km north of the district boundary. This site has been eliminated from the HRA due to the nature of the policies and the nature of the SPA/Ramsar. This site is designated for its international important assemblage of birds, including the following species; cormorant, shoveler, teal, wigeon, gadwall, pochard, tufted duck, goldeneye, mute swan, coot, great crested grebe. The site is sensitive to recreational as the bird species may be disturbed by the general public visiting the site and dog walkers. Increases in water abstraction may also affect the reservoir.

2.13 The main type of impact that will result from the policies is that of recreational disturbance, from walkers and anglers (there are no water based activities on the reservoir). The Core Strategy states that new housing development will be focused in Maldon town, Heybridge, Burnham-on-Crouch and Southminster.

2.14 There are current proposals to increase the water level within the reservoir to secure the water supply to take account of predicted increases in demand from across Essex; this is to be completed between 2010 and 2014 and has been subject to detailed appropriate assessment work. As part of the raising of the water levels within the reservoir, it is understood that public access to the site will change. Enhancement and mitigation works are to be undertaken as part of the reservoir works to prevent adverse impacts to the SPA. This includes relocation and improvements to the visitors centre, it is currently predicted within the Environmental Statement that visitor numbers may increase as a result of the works from 25,000 per year to 50,000. The recreation provision has been designed to avoid any significant adverse effects on the reservoir.

\(1\) http://www.jncc.gov.uk/pdf/SPA/UK9009246.pdf
\(2\) 1052 of the 3000 total housing supply have already been constructed and are therefore not included in this assessment
internationally important bird populations. Natural England response to the planning application for the works, concerned with the view that the conservation status of the SPA will improve as a result of the reservoir raising scheme. Given the low numbers of housing to be built within Maldon District (1,948 dwellings) it is considered that any small increase in visitor numbers would be unlikely to be significant given the proposed enhancement works to the site. This view is supported by Charlie Williams (Natural England Conservation officer).1

2.15 Increased housing provision was considered as part of the design of the reservoir works; this included a review of the East of England plan Core Strategy.5 The new housing proposed within the East of England and subsequently included within the Maldon Core Strategy has already been taken into account in water resource planning and the changes to the reservoir take account of the predicted rise in abstraction levels. The works at Abberton Reservoir have been subject to a detailed Environmental Impact Assessment and Appropriate Assessment and as such impacts to the SPA though abstraction have been considered during this process.

**Benfleet and Southend Marshes SPA/ Ramsar**

2.16 Benfleet and Southend Marshes SPA/Ramsar site is located approximately 11 km south of the district boundary. This site is designated for its international important assemblage if birds, including brent goose, knot, ringer plover and grey plover.

2.17 This site has been eliminated from the HRA because of the nature of the policies. The main type of impact that will result from the policies is that of recreational disturbance, both land and water based (through increased numbers of walkers and dog walkers which may occur as a result of population increases in the district through the additional housing provision).

2.18 Within the Natura 2000 data form for this SPA, the vulnerabilities section states that recreational problems at this site are not a problem. The majority of the 1948 dwellings6 to be provided by 2026 are to be located around Maldon town and Heybridge, which is approximately a 19 km drive to Benfleet and Southend SPA/Ramsar site. Both Southminster and Burnham on Crouch, the other strategic housing locations are over 20 km drive from the SPA. It is considered extremely unlikely that any new residents would travel this distance for recreational purposes7 and as such this site should not be affected by the polices within the Core Strategy.

**Thames Estuary SPA**

2.19 Thames Estuary SPA is situated approximately 16 km south of the district boundary ("as the crow flies"). The Thames Estuary and Marshes SPA supports internationally important populations of the regularly occurring Annex 1 species avocet and hen harrier. This Site also supports internationally important populations of regularly occurring migratory species including ringed plover, grey plover, dunlin, knot, black-tailed godwit and redshank. Given this it is sensitive to recreational disturbance from both land and water based activities.

2.20 This site has been eliminated from the HRA process because the nature of the policies are such that it is extremely unlikely that there will be any adverse effects on this SPA given the distance from the Maldon district boundary. The main potential impacts from the policies are those arising from an increase in housing (i.e. recreation pressure).

2.21 Although this site falls within 16 km of the district boundary as the crown flies, in order to drive to the site from within the district is the journey would be over 30 km by road. Given the presence of

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1 Verbal communication between Atkins and Natural England, 28th April 2009.
5 http://www.eswater.co.uk/01 - Parts_A_B_and_C - Main_Text_and_Figures - 1_of_2.pdf (The Abberton Scheme Environmental Statement 2007)
6 1052 of the 3000 total housing supply have already been constructed and are therefore not included in this assessment
7 The most recent England Leisure Visits report states that people will travel up to 17.3 km to a countryside destination for a leisure visit (Page 8 of England Leisure Visits: Summary of the 2005 Leisure Visits Survey (Natural England, 2005).
similar habitats within the Maldon District (e.g. Blackwater Estuary) it is considered extremely unlikely that any residents from Maldon town would travel the distance to reach the Thames Estuary SPA for recreational purposes.

Designated sites included within the screening assessment

2.22 This screening report is a record of the assessment of ‘likely significant effects’ from the Core Strategy on two internationally important sites for nature conservation:

- Essex Estuaries SAC; and,
- Mid-Essex SPA/ Ramsar (including Blackwater SPA/ Ramsar, Dengie SPA and Ramsar site; Couch and Roach Estuaries SPA and Ramsar site; Colne Estuary SPA and Ramsar site).

2.23 A map showing the location of these international sites is provided in Appendix B

2.24 The boundary of the Mid Essex Coast SPA overlaps with the boundary of the Essex Estuaries SAC and for the purpose of this assessment the two sites will be considered as one, referred to herein as the Essex Estuary international sites. This approach has been verbally agreed with Kate Kelly from Natural England on the 15th April 2009.

2.25 The Conservation Objectives and Favourable Conditions Tables for these sites have been obtained from Natural England for the purpose of this assessment. Information on both the SPA sites and the SAC are given within the English Nature Regulation 33 document – Essex Estuaries European Marine Site\(^8\) (this contains both the conservation objectives and favourable conservation status tables). There are no later revisions of this document beyond that which was produced in 2000. The information contained within this document was used as part of this assessment. Up to date conservation objectives for each of the SPA sites was also viewed\(^9\).

2.26 Further details of each of the international sites and the conservation objectives are provided in Section 5.

Review of Policies

2.27 An initial review of the policies contained within the Core Strategy was undertaken using a green, amber and red system (see Tables 1 and 2 in Appendix C):

- A ‘green’ policy means that there is thought to be enough information available at present to conclude that there is no likely significant effect from the policy on the Essex Estuary international sites or their favourable conservation objectives;
- An ‘amber’ policy is one where the Core Strategy has been amended so that the competent authority must consider the identified international sites through the planning control process; and,
- A ‘red’ policy is one that can be identified as having a likely significant effect on the international sites based on current information. None of the policies contained within the Strategy were assessed as falling within this category.

2.28 In order to avoid likely significant adverse effects on the integrity of any international sites from development occurring as a result of the Core Strategy, the Core Strategy has been amended and text has been added to the Natural Heritage section of the document. This has been undertaken as part of the iterative HRA process. The additional text states that any proposed development

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which could have an adverse effect on the identified internationally important sites will be subject to an HRA. The Core Strategy therefore ensures that the competent authority (in this case Maldon District Council) will give consideration to international sites in order to inform development control decisions. The text states that where it cannot be demonstrated that a development proposal will not have an adverse effect on the integrity of a site of international importance to nature conservation, such development is not supported by the Core Strategy and will not be permitted. Text has also been added to the supporting text of Policy CS 17 (Tourism) and Policy CS 26 (Sustainable Transport for Everyone). This text states that any tourism infrastructure or green infrastructure adjacent to the international sites will take account of the designated sites and that to prevent adverse impacts on the international site this infrastructure will be designed in consultation with Natural England. The text also states that if mitigation measures are required to prevent impacts on the international sites these may include one or more of the following:

- The design of vegetation and landscaping schemes to ensure adequate screening and buffering to the international sites;
- If necessary, fencing and/or controlled access to the most sensitive areas of the SAC/SPA/Ramsar site; and,
- The use of interpretation / information boards if appropriate.

This screening assessment has been undertaken on the Core Strategy with all the amendments discussed above incorporated into the document.

2.29 As the Core Strategy is a strategic level document, the HRA screening has also been carried out at a strategic level. Any specific development proposals will need to be in line with the regional Core Strategy and will need to satisfy Maldon District Council in consultation with Natural England that there will either be no likely significant effects from the development on Essex Estuary international sites or that any significant effects can be effectively mitigated or compensated.

2.30 It is the competent authority, through the planning control process, who should undertake an HRA. However, developers who propose developments under the Core Strategy need to provide sufficient information to the competent authority in order for a decision to be made on whether the proposals are likely to have a significant effect upon an international site.

2.31 The details of this approach were provided to Kate Kelly (Natural England Conservation Officer, Eastern Area Team in April 2009).

Obtaining Information on Other Projects and Plans

2.32 In accordance with the Habitat Regulations there is a need to consider the potential for likely significant effects of the Core Strategy ‘in combination’ with other projects and plans.

2.33 Statutory bodies surrounding, or in close proximity to, the Essex Estuaries international sites were contacted for details of any projects or plans that have been subject to HRA to assess in-combination effects.

2.34 The following organisations have been contacted for details of other plans and projects which have the potential for adverse effects upon the Essex Estuaries international sites:

- Anglian Water
- Babergh District Council
- Basildon District Council
- Braintree District Council
- Brentwood Borough Council
- Castle Point Borough Council
• Chelmsford Borough Council
• Colchester Borough Council
• Environment Agency
• Essex County Council
• Essex and Suffolk Water
• Medway Council
• Natural England
• Rochford District Council
• Southend-on-Sea Borough Council
• Suffolk County Council
• Tendring District Council
• Thurrock Council
• Uttlesford District Council.

Assessing the Impacts of the Plan ‘Alone’ and ‘In Combination’

2.35 Following the gathering of information on the Core Strategy and the international sites an assessment was undertaken to predict the likely significant effects of the Core Strategy on the Essex Estuaries international sites ‘alone’.

2.36 In order to inform this process, all parts of the Core Strategy were assessed to see if they could result in likely significant effects on the Essex Estuaries international sites.

2.37 Section 5 assesses the likely significant effects of the policies within the Core Strategy on the integrity of Essex Estuary international sites. The integrity of such a site is defined as ‘...the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.’ (Part I, Section B, Paragraph 20 of ODPM Circular 06/2005 accompanying Planning Policy Statement 9: Biodiversity and Geological Conservation). As such, areas that have been identified as being used by species that the site has been designated for, but are situated outside of the international sites, will also be taken into account with respect to each of the policies listed in the Core Strategy. For example certain bird species for which SPA/Ramsar sites have been classified may require areas outside the designated site for feeding to maintain their populations at a favourable conservation status.

2.38 The assessment of integrity is largely based on the conservation objectives of the sites. For instance one conservation objective for the Mid Essex Coast SPA/Ramsar is to maintain, in favourable condition, the habitats for internationally important populations of the regularly Annex 1 bird species. Communications with Carol Reid (Natural England Conservation Officer) identified that birds do roost away from the SPAs, but key areas are located in remote places (largely arable land) that the public do not usually visit. Other important sites include Osea Island which is located within the channel of the Blackwater and not accessible by the public. If any plan or project causes the cited interest features of a site to fall into unfavourable condition they can be considered to have had a significant adverse effect upon the integrity of the site. This assessment should take account of should important roost sites beyond the SPA boundaries.
2.39 Favourable Conditions Tables produced by Natural England, detail the targets and objectives relating to the conservation of species populations and the maintenance of the habitats within Essex international sites\(^{10}\) \(^{11}\).

2.40 This information has been taken into consideration and has been used to form the basis of the assessment of potential effects upon the international sites.

2.41 Plans or projects can adversely affect the integrity of a site by:

- Causing delays in progress towards achieving the conservation objectives of the site;
- Interrupting progress towards achieving the conservation objectives of the site;
- Disrupting those factors that help to maintain the favourable conditions of the site; and,
- Interfering with the balance, distribution and density of key species that are the indicators of the favourable condition of the site.

2.42 Additionally, this assessment took into account possible impacts on the international sites which could occur as a result of the policies within the Core Strategy through the factors given in Inset 1.

Inset 1: Factors that could lead to possible impacts on Essex Estuary international sites:

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<tr>
<th>Physical Damage</th>
<th>Non-physical disturbance</th>
<th>Toxic contamination</th>
<th>Non-toxic contamination</th>
<th>Biological disturbance</th>
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<td>Siltation (e.g. outfalls);</td>
<td>Noise (e.g. land/water-based recreation); and</td>
<td>Introduction of synthetic compounds (e.g. TBT, PCBs); and</td>
<td>Changes in nutrient loading (e.g. agricultural run-off, effluent outfalls);</td>
<td>Introduction of microbial pathogens (e.g. effluent outfalls); and</td>
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<tr>
<td>Changes in surface and groundwater flows (e.g. changes to flow, water table, water temperature and quality);</td>
<td>Visual presence (e.g. land/water based recreation).</td>
<td>Introduction of non-synthetic compounds (e.g. effluent outfalls);</td>
<td>Changes in organic loading (e.g. effluent outfalls); and</td>
<td>Introduction of non-native species.</td>
</tr>
<tr>
<td>Abrasion (e.g. recreational activity, vehicles), and</td>
<td></td>
<td>Changes in nutrient loading (e.g. agricultural run-off, effluent outfalls);</td>
<td>Changes in turbidity (e.g. effluent outfalls, dredging, depositing dredged spoil).</td>
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<tr>
<td>Removal/ smothering of habitats.</td>
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3. Core Strategy Details

Proposed Core Strategy

3.1 The Core Strategy is the key statutory Development Plan Document (DPD) which sets out the variety of overarching policies to guide and manage future development and land use in the district. The strategy sets the parameters for further DPDs including the Maldon Central Area Action Plan and Site Allocations and Development Management Policies. Once adopted, the suite of DPDs will supersede the entire local plan.

3.2 None of the proposals within the Core Strategy are directly connected with, or necessary to the nature conservation management of the Essex Estuary international sites.

Brief Description of the Core Strategy

3.3 The Core Strategy seeks to deliver the District’s vision and facilitate the land use requirements of local communities and service providers, including those set out in the Maldon District Sustainable Community Strategy. All DPDs produced as part of the Local Development Framework (LDF) must conform to the Core Strategy. The Core Strategy is being prepared in general conformity with the Regional Spatial Strategy for the East of England (RSS 14).

3.4 The Core Strategy includes identification of strategic housing locations, and contains policies relating to specific areas where individual development, conservation or design considerations apply. Policy CS 3 identifies that a total of 3,000 dwellings are to be provided by 2026. The supporting text to this policy identifies that 1,052 of these have already been completed, leaving a further 1,948 to be built. This assessment takes account of this 1,948 to be constructed, as those already built should have been subject to assessment prior to planning permission being granted.

3.5 There are 27 policies within the Core Strategy. These policies seek to address the key needs of Maldon District and aims to set a vision for the district with clear social, environmental and economic objectives. The policies seek to concentrate developments within the towns of Maldon, Heybridge, Burnham-on-Crouch and the key service centre of Southminster.

3.6 All 27 policies have been through the screening process as described in Section 2.3 (Table 1, Appendix C).

Provisions within the Core Strategy that Protect the International Sites

3.7 When planning applications are determined all of the relevant policies and supporting text in the Core Strategy are taken into account and used as the basis for decision-making.

3.8 The Core Strategy identified a target of 3,000 houses by 2026. 1,052 of these have already been constructed, leaving a balance of 1,948 to be constructed 2026. The Core Strategy does not detail allocation sites, however Maldon District Council have identified strategic locations. Any development arising out of the Core Strategy will need to be subject to HRA to identify potential impacts to the Essex Estuary international sites.

3.9 Text is present within the Natural Heritage section of the Core Strategy which states that any proposed development that may have an adverse effect on internationally important sites will be subject to an HRA by the competent authority. The Core Strategy therefore ensures that the competent authority (in this case Maldon District Council in consultation with Natural England) will give consideration to international sites in order to inform development control decisions. The text states that where it cannot be demonstrated that a development proposal will not have an adverse effect on the integrity of a site of European or International importance to nature conservation, such development is not supported by the Core Strategy and will not be permitted. Therefore, any specific development proposals will need to be in line with the Local Development Framework and will need to satisfy Maldon District Council and Natural England that there will either be no likely
significant effects from the development on Essex Estuary international sites or that any significant effects can be effectively mitigated.

3.10 Supporting text of Policy CS 17 (Tourism) and Policy CS 26 (Sustainable Transport for Everyone) also gives protection to the Essex Estuary international sites. This text states that any tourism infrastructure or green infrastructure adjacent to the SAC/SPA/Ramsar sites will take account of the designated sites and that to prevent adverse impacts on the European site such infrastructure will be designed in consultation with Natural England. Where adverse impacts to the SAC/SPA/Ramsar sites may occur, this text also identifies appropriate mitigation measures that may need to be put in place to protect the site/s.

3.11 In addition to this there are a variety of policies within the Core Strategy that, indirectly, will lead to the protection of the internationally important sites. Within the Natural and Built Heritage Policies section of the Core Strategy there are policies that seek to protect and enhance natural heritage, including biodiversity. All developments will be expected to contribute towards measures which will help to maintain and enhance the quality of the natural environment both on site and for the wider community. In addition, within the Natural and Built Heritage section planning policies are referred to relating to biodiversity within the East of England Plan. Policy ENV3 of the East of England Plan states that “Planning Authorities should ensure that the region’s wider biodiversity, earth heritage and natural resource are protected and enriched through the conservation, restoration and re-establishment of key resources”.
4. Details of Other Plans or Projects with a Likely Significant Effect upon the Integrity of the International Sites

4.1 There are currently no other plans or projects, which have been identified as having the potential to cause a likely significant effect on the integrity of Essex Estuaries international sites.

4.2 The following Councils have completed habitats regulations assessments which take into account the international sites considered within this document:

Chelmsford Borough Council

4.3 Chelmsford Borough Council has completed a habitats regulations assessment of the Chelmsford Core Strategy and Development Control Submission Document (DPD). This document identified four policies with potential to impact the Essex Estuaries SAC and Rouch and Crouch SPA. The policies relate to housing density, promotion of employment clusters, location of business development and industrial and warehouse development. The assessment identified that in-combination impacts could arise as a result of developments concentrated in the South Woodham Ferrers area. These impacts could arise from increased demands for land and water based recreation, fly-tipping and general trespass. As with the Maldon Core Strategy, the Chelmsford Core Strategy assures consideration is given to international sites. The assessment of Chelmsford’s Core Strategy identifies that overarching polices within their plan will protect the European sites from cumulative impacts. The policies within Chelmsford plan, combined with those in the Maldon Core Strategy will ensure that proposed developments will not affect the integrity of the international sites. Developments that have the potential to have an adverse effect on the integrity of the international sites will not be supported by the Maldon Core Strategy and will not be permitted. Furthermore strategic policies relating to environmental aspects within the Chelmsford Core Strategy that are fundamental to the conditions of the European Sites provide protection to the European Sites against cumulative impacts.

4.4 Chelmsford Borough Council did not raise any other plans or projects that are likely to have a significant effect in the integrity of the international sites.

Tendring District Council

4.5 The Tendring District Council Core Strategy has been subject to a habitats regulations assessment and identified that the plan could potentially have an impact on international sites through increased disturbance (through water and land based recreation). These issues could lead to in-combination effects with the housing increases detailed in Policy CS 3 of the Maldon Core Strategy, which may lead to increased pressures though recreation. The supporting text for Policy CS 19 within the Maldon Core Strategy details that any development which could have an adverse impact on the international sites should be subject to a habitats regulations assessment. Developments that have the potential to have an adverse effect on the integrity of the international sites will not be supported by the Maldon Core Strategy and will not be permitted. The housing targets for Maldon and Tendring are taken from the Regional Spatial Strategy (RSS) (East of England Plan). This RSS was subject to an assessment which considered the level of housing across the region and concluded that this would not affect the integrity of the SPA. The RSS states in Policy ENV3 that “in their plans, policies, programmes and proposals planning authorities and other agencies should ensure that internationally and nationally designated sites are given the strongest level of protection and that development does not have adverse effects on the integrity of sites of European or international importance for nature conservation”.

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Given this no in-combination impacts will arise as a result of developments within Tendring and Maldon District.

Tendering District Council did not raise any other plans or projects that are likely to have a significant effect in the integrity of the international sites.

*Colchester Borough Council*

Colchester Council has completed a habitats regulations assessment of their Core Strategy. The assessment identified that the international sites (Abberton Reservoir SPA, Blackwater Estuary SPA, Colne Estuary SPA and Essex Estuaries SAC) could be affected through pollution leading to increased nutrient loading and increased demand on water resources, and increased non-physical and physical disturbance to the sites through increases in housing and tourism facilities. The assessment rules that nutrient loading and water demand would not have a significant impact as water provision would be met through strategic planning and licensing (for abstraction and discharge) by Anglian Water. The Core Strategy could therefore have an in-combination effect with the Plan as a result of planned tourism and housing developments by both Councils. However, the RSS states in Policy ENV3 that “in their plans, policies, programmes and proposals planning authorities and other agencies should ensure that internationally and nationally designated sites are given the strongest level of protection and that development does not have adverse effects on the integrity of sites of European or international importance for nature conservation”. Given this there should be no significant in-combination impact as both councils will need to take international sites into consideration when planning development.

Colchester Borough Council did not raise any other plans or projects that are likely to have a significant effect in the integrity of the international sites.

*Uttlesford District Council*

Uttlesford District Council has completed a habitats regulations assessment of their Core Strategy. This screened out any significant impacts upon Essex Estuaries SAC and the SPA’s (Blackwater, Dengie, Couch and Roach Estuaries and Colne Estuary) within it, with the exception of Blackwater SPA due to the distance of these sites from the district.

The assessment identified that the most likely impact would arise from recreation as a result of housing increases. The assessment concluded that the increase in housing would not effect the integrity of the SPA as housing targets were taken from the RSS. This RSS was subject to an assessment which considered the level of housing across the region and concluded that this would not affect the integrity of the SPA. The RSS states in Policy ENV3 that “in their plans, policies, programmes and proposals planning authorities and other agencies should ensure that internationally and nationally designated sites are given the strongest level of protection and that development does not have adverse effects on the integrity of sites of European or international importance for nature conservation”.

*Other information received*

Basildon District Council is still in the process of developing their Core Strategy. Basildon District Council did not provide details of any additional projects for assessment.

Braintree District Council confirmed that only the only plan or project that might impact on the Blackwater Estuary is the Local Development Framework (Core Strategy/Development Control Policy Document and Allocations). It is expected that the Core Strategy and Development Control DPD will be adopted in 2010 and allocation locations in 2011.

Brentwood Borough Council is at the early stages of preparing their Local Development Framework. Brentwood Borough Council did not provide details of any additional projects for assessment.

Southend Borough Council is in the process of preparing the following DPDs which will be subject to Habitat Regulation Assessment:

- A Joint AAP for London Southend Airport and its environs with Rochford District Council (The Airport operators are also likely to submit an application for run way extension)
• A joint Essex and Southend Waste Core Strategy (including Strategic Sites) and Development Management Policies DPD and
• A joint Essex and Southend Waste non strategic Sites Allocation DPD

4.16 Other DPDs which will be prepared as part of Southend LDF and will be subject to HRA include:
• Town Centre AAP (Issues and Options stage completed)
• Seafront AAP
• Shoeburyness AAP

4.17 The following DPDs may also require HRA:
• Planning Obligations DPD (Issues and Options Stage Completed)
• Vehicle Parking Standards DPD (Issues and Options Stage Completed)
• Development Management Policies DPD

4.18 Southend Borough Council is also working on a City Beach Project which will be subject to HRA.

4.19 Essex County Council confirmed that there were no plans or projects which would have an in-combination effect on the international sites.

4.20 A response was received from the Environment Agency indicating that they were not aware of any appropriate assessment issues within Maldon.

Organisations from which no response was received

4.21 The following organisations did not respond to the request for information within the timescales given.

4.22 Responses were received from all of the district councils which boarder Maldon District Council, with the exception of Rochford District Council. From Rochford District Councils website it is known that the council is still in the process of producing its Local Development Frameworks and at this time it does not appear that a Habitats Regulation Assessment has been undertaken 13.

4.23 Responses were not received from the following councils:
• Babergh District Council
• Castle Point Borough Council
• Medway Council
• Suffolk County Council
• Thurrock Council

4.24 With the exception of Castle Point all council boundaries are located over 18 km from the Maldon District Boundary and are separated by large urban conurbations. Although no response was provided, as these councils are located a significant distance from the Maldon District Boundary and it is considered that any in-combination impacts are unlikely.

4.25 Castle Point District is located within 8 km of the Maldon District boundary. From a review of the Castle Point District website it is known that the district council have produced an Local Development Framework and have undertaken a HRA of this 14. The in-combination assessment section of this document identifies potential in-combination impacts as a result of sewage discharge into the Crouch Estuary, although only identifies in-combination effects with Basildon and Rochford Councils. As discussed below in Section 6, impacts from sewage discharge as a result of the new housing allocation within Maldon District should not arise as any additional discharge consents (into the international sites) required for effluent will be managed under the

Water Framework directive and as such will take account of any potential impacts to the international sites. Applications for discharge consents which effect international sites are sent to Natural England by the Environment Agency for approval. It is therefore considered that in-combination effects will not arise.

4.26 Responses were not received from Anglian Water and Essex and Suffolk Water. It is considered that the only types of projects to be undertaken by either company which could result in an in-combination impact on the international sites would be from increased water abstraction or discharge. It is considered that the Environment Agency would be aware of any significant projects proposed for water abstraction or discharge by either organisation as permission would be required from the Environment Agency for the types of projects undertaken by water companies. A response was received by the Environment Agency indicating that they were not aware of any appropriate assessment issues within Maldon.
## 5. Essex Estuaries International Sites

| Site Designation Status | Essex Estuaries Special Area of Conservation (SAC)  
Mid Essex Special Protection Areas (SPA) and Ramsar site |
|-------------------------|-----------------------------------------------------|
| Location of International Sites | This Essex Estuaries SAC covers 472 square kilometres, located on the East Coast of England. The site encompasses the major estuaries of the Colne, Blackwater, Crouch and Roach Rivers, and stretches from Lion Point at the mouth of the Colne estuary to the mouth of the River Thames at Shoeburyness.  
Within the SAC, falls a suite of five SPAs, collectively known as the Mid Essex SPA/Ramsar. The sites from this suite included within this assessment are:  
- **Blackwater Estuary SPA/Ramsar:** this estuary is located within the centre of the district, with the Blackwater river extending inland to the town of Maldon;  
- **Dengie SPA/Ramsar:** This site stretches along the west coast of the district;  
- **Crouch and Roach Estuaries SPA/Ramsar:** This site stretches along the southern boundary of the district along the River Crouch; and,  
- **Colne Estuary SPA/ Ramsar:** The River Colne and its estuary site is located in the north east edge of the district. |
| Brief Description of the International Sites | Essex Estuaries is a marine SAC with intertidal and subtidal habitat, which supports a wide range of typical estuarine and marine communities on sediments ranging from the finer estuarine muds and muddy sands to coarser sands and gravels.  
It is designated for the following habitat features:  
- Estuaries;  
- Mudflats and sandflats not covered by seawater at low tide;  
- Glasswork sp (Salicornia) and other annuals colonising mud and sand;  
- Cordgrass (Spartina) swards (Spartinion);  
- Atlantic salt meadows (Glauco-Puccinellietalia); and,  
- Mediterranean and thermo-Atlantic halophilous scrubs (Arthrocnemetalia fruticosae).  
Each SPA qualifies for a number of different internationally and nationally important bird species.  
The **Blackwater Estuary SPA** qualifies under Article 4.1 of the EU Birds Directive by supporting internationally important breeding populations of the regularly occurring Annex 1 species: little tern (*Sterna albifrons*). The Blackwater Estuary SPA also qualifies for supporting an internationally important wintering population of the Annex 1 species hen harrier (*Circus cyaneus*).  
The Blackwater Estuary SPA also qualifies under Article 4.2 of the EU Birds Directive in that it supports:  
- an internationally important assemblage of waterfowl (wildfowl and waders); and  
- internationally important populations of regularly occurring migratory... |
Species present including brent goose, grey plover, ringed plover, dunlin and bar tailed godwit.

The **Colne Estuary SPA** qualifies under Article 4.1 of the EU Birds Directive by supporting internationally important breeding populations of the regularly occurring Annex 1 species: little tern (*Sterna albifrons*). As with the Blackwater Estuary SPA, the Colne Estuary SPA also qualifies for supporting an internationally important wintering population of the Annex 1 species hen harrier (*Circus cyaneus*).

The Colne Estuary SPA also qualifies under Article 4.2 of the EU Birds Directive in that it supports:

- an internationally important assemblage of waterfowl (wildfowl and waders);
- internationally important populations of regularly occurring migratory species; and,
- nationally important breeding populations of the regularly occurring migratory species: ringed plover (*Charadrius hiaticula*).

Species present include ringer plover, redshank and brent goose. An additional qualifying interest feature of the Colne Estuary SPA is a nationally important breeding population of the migratory species pochard (*Aythya ferina*).

The **Crouch and Roach Estuaries SPA** qualifies under Article 4.2 of the EU Birds Directive in that it supports:

- an internationally important assemblage of waterfowl (wildfowl and waders); and
- internationally important populations of regularly occurring migratory species.

Species present include brent goose.

The **Dengie SPA** qualifies under Article 4.1 of the EU Birds Directive by supporting an internationally important wintering population of the Annex 1 species hen harrier (*Circus cyaneus*). The Dengie SPA qualifies under Article 4.2 of the EU Birds Directive in that it supports:

- an internationally important assemblage of waterfowl (wildfowl and waders); and
- internationally important populations of regularly occurring migratory species.

Species present include brent goose, grey plover and knot

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**Conservation Objectives of the International Site**

**Conservation objectives for Essex Estuaries SAC interest features**

**Salicornia and other annuals colonising mud and sand**

Subject to natural change, maintain *Salicornia* and other annuals colonising mud and sand in favourable condition, in particular: Glasswort/annual sea-blite community, sea aster community
Cordgrass swards

Subject to natural change, maintain the Spartina swards (Spartinion) in favourable condition, in particular: small cordgrass community, smooth cordgrass community.

Atlantic salt meadows

Subject to natural change, maintain the Atlantic salt meadows (Glaucopuccinellietalia) in favourable condition, in particular: low/mid-marsh communities, upper marsh communities, upper marsh transitional communities, drift-line community.

Mediterranean and thermo-Atlantic halophilous scrubbs (Arthrocnemetalia fruticosae)

Subject to natural change, maintain the Mediterranean and thermo-Atlantic halophilous scrubbs (Arthrocnemetalia fruticosae) in favourable condition, in particular: Shrubby sea-blite community, rock sea lavender/sea heath community.

Estuaries

Subject to natural change, maintain the estuaries in favourable condition, in particular: Saltmarsh communities, intertidal mudflat and sandflat communities, rock communities, subtidal mud communities, subtidal muddy sand communities, subtidal mixed sediment communities.

Mudflats and sandflats not covered by seawater at low tide

Subject to natural change, maintain the mudflats and sandflats not covered by seawater at low tide in favourable condition, in particular: mud communities, muddy sand communities, sand and gravel communities.

Conservation objectives for Blackwater Estuary SPA, Colne Estuary SPA, interest features

The conservation objective for the internationally important populations of the regularly occurring Annex 1 bird species

Subject to natural change, maintain the habitats for the internationally important populations of the regularly occurring Annex 1 bird species in favourable condition, in particular: sand and gravel shores, shallow coastal waters.

The conservation objective for the internationally important populations of regularly occurring migratory bird species

Subject to natural change, maintain the habitats for the internationally important populations of regularly occurring migratory bird species* in favourable condition, in particular: saltmarsh, intertidal mudflats and sandflats, boulder and cobble shores.

* Including the nationally important breeding populations of regularly occurring migratory species: ringed plover (Charadrius hiaticula) within Colne SPA.

The conservation objective for the internationally important assemblage of waterfowl

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Subject to natural change, maintain the habitats for the internationally important assemblage of waterfowl in favourable condition, in particular: saltmarsh, intertidal mudflats and sandflats, boulder and cobble shores, shallow coastal waters.

**Conservation objectives for Crouch and Roach Estuaries SPA and Dengie SPA interest features**

*The conservation objective for the internationally important populations of regularly occurring migratory bird species*

Subject to natural change, maintain the habitats for the internationally important populations of regularly occurring migratory bird species in favourable condition, in particular: saltmarsh, intertidal mudflats and sandflats, boulder and cobble shores

*The conservation objective for the internationally important assemblage of waterfowl*

Subject to natural change, maintain the habitats for the internationally important assemblage of waterfowl in favourable condition, in particular: saltmarsh, intertidal mudflats and sandflats, boulder and cobble shores.
6. Results of HRA Screening for Essex Estuaries International Sites

Describe the individual elements of the Strategy likely to give rise to impacts on the International Site

See the list of policies in Appendix 2.

There are no likely significant effects of the Core Strategy on these sites as none of the Core Strategy policies were identified as red policies. In total, 20 of the 27 policies were identified as green (no likely significant effect from the policy on the integrity of international sites or their favourable conservation objectives) and six were identified as amber (policy has been amended to consider the identified international sites through the planning control process).

The ‘green’ policies that are not likely to have a significant effect on international sites have been screened and are listed in Appendix C.

The supporting text for Policy CS 3 identifies strategic locations for housing; Maldon town and Heybridge, Burnham-on-Crouch and Southminster. Housing developments in these locations have potential for recreational impacts to the international sites (through land and water based recreation), along with possible impacts as a result of increased demand on the sewerage network requiring additional discharges. Any discharges into the international sites, may lead to nutrient enrichment. These impacts may disturb the important assemblages of wildfowl through recreation and may affect the habitats of the SAC through nutrient enrichment.

With regard to Maldon town, the Blackwater SPA/Ramsar boundary extends to the edge of the town, and as such it is unlikely that any key roosting sites are present in this area as the river here is likely to be subject to high levels of disturbance from recreation and traffic. (Carol Reid form NE confirmed that the key roosting sites are located in remote areas, pers comm 17th April 2009). The Core Strategy states that the area to the north of Maldon town is the most appropriate strategic location. If housing is placed to the north of Maldon town, there will be no direct loss of habitat, and given the levels of disturbance already arising from the town, it is unlikely that additional properties within the Maldon area will result in any significant disturbance to the SPA/Ramsar. However, the recent England Leisure Visits report states that people will travel up to 17.3 km to a countryside destination and as such an increase in local population related to the development may lead to recreational disturbance to the international sites away from the town.

Burnham-on-Crouch is located immediately to the north of the River Crouch, which forms part of the Crouch and Roach SPA/Ramsar. The Core Strategy states that there is potential capacity for housing to the north of Burnham-on-Crouch town, and as such there will be no direct habitat loss from the SPA/Ramsar. However as this is a smaller settlement in comparison to Maldon town and Heybridge, an increase in housing is more likely to result in disturbance to the international sites through recreation and traffic increases around the settlement as the current levels of disturbance are less likely to be significant than that within Maldon. As the town falls within distance that people are willing to travel or recreation from
the international sites, an increase in local population related to the
development may lead to recreational disturbance to the international sites.

Southminster, a rural village, is located between three of the SPA sites in
the district (Dengie SPA, Roach and Crouch Estuary SPA and Blackwater
Estuary SPA). Southminster has limited sewerage capacity and as such
development within this village could require an upgrade to the existing
sewer network and an increase in volume to existing discharge consents.
Any additional discharge consents (into the international sites) required for
effluent will be managed under the Water Framework directive and as such
will take account of any potential impacts to the international sites.
Applications for discharge consents which effect international sites are sent
to Natural England by the Environment Agency for approval.

Development within the village could also result in additional recreational
disturbance to the international sites.

At this stage no allocation sites have been identified. These sites will be
identified in the Site Allocations and Development Management Policies
DPD. The potential impacts arising from the location of dwellings will be
assessed within an HRA of the Site Allocation DPD.

The Core Strategy ensures that the competent authority (in this case
Maldon District Council) will give consideration to the Essex international
sites in order to inform development control decisions. Every project
considered under the Core Strategy must have consideration of Essex
Estuary international sites, such that there will be no likely significant
adverse effects on the integrity of the international sites. This must be
carried out to the satisfaction of Maldon District Council and Natural
England. Given this, the provision of an additional 1,948 dwellings,
wherever the eventual location of these, should not have any significant
adverse impact on the international sites.

Describe any likely direct, indirect or secondary
impacts of the Strategy on
the International Site by
virtue of:

• Size and scale;
• Land take;
• Resource requirements
  (i.e. water extraction etc);
• Emissions (disposal to
  land, water or air);
• Excavation requirements;
• Duration of construction,
  operation, decommissioning etc.; and
• Other.

There are no likely significant effects of the Core Strategy on this site. Every project considered under the Core Strategy must have consideration of Essex International sites such that there will be no developments permitted that will lead to significant adverse effects on the integrity of the site.

There will be no land take from the international sites as a result of the policies and it is unlikely that any development will take place in key roosting sites outside of the boundaries of the SPA’s as the Core Strategy states that most new housing locations will be within and around key urban areas. The housing will increase the level of drinking water required by the district, however this water will not be abstracted from the estuaries due to their saline nature. Any additional discharge consents (into the international sites) required for effluent will be managed under the Water Framework directive and as such will take account of any potential impacts to the international sites. Applications for discharge consents which effect international sites are sent to Natural England by the Environment Agency for approval.

There will be no significant emissions to land or air due to the nature of the proposals.

The policies described below identify where further information would be
needed at the more detailed planning stage or at the development control stage (e.g. production of Area Action Plans or other, Development Plan Documents, Supplementary Planning Documents). The reasons for this requirement for more information are also described:

The Core Strategy refers to housing provision to be centred around the main towns of Maldon, Heybridge, Burnham on Crouch and Southminster. In total 3,000 new dwelling are to be provided by 2026. Of these 1,052 have already been constructed and are therefore not included in this assessment; this leaves a balance of 1,948 dwellings to be constructed. Housing in these locations may possibly result in disturbance to the international sites through recreational disturbance and increased pressure on the sewerage network.

Once details of site allocations are known, the Site Allocations and Development Management Policies DPD would be subject to a HRA. The Core Strategy ensures that the competent authority (in this case Maldon District Council) will give consideration to the Essex international sites in order to inform development control decisions. Every project considered under the Core Strategy must have consideration of Essex Estuary international sites, such that there will be no significant adverse effects on the integrity of the site. Given this, the provision of an additional 1,948 dwellings, wherever the eventual location of these, should not have any significant adverse impact on the international sites.

Policy CS 17 relating to tourism looks to promote its development in a sustainable manner within the district, although no precise areas are identified with the Core Strategy for tourism. Given the majority of the coast/estuaries within the district fall within the boundaries of the internationally important sites, there is potential for tourist attractions (including water based activities) to increase recreation pressures to the SPA/SAC/Ramsar sites. However, the existing provisions within the Core Strategy (text present in the supporting text of Policy CS 19) will lead to the protection of the international sites. Furthermore text has been added to the tourism policy to detail that Natural England will be consulted regarding development of tourist attractions and the impacts to the designated sites will be taken into account, and mitigation developed accordingly.

Policy CS 2, relating to development in the countryside, defines development will be restricted to certain types of usages, but does not identify any target areas for development. Agricultural areas in the vicinity of the SPA/Ramsar sites may be used by roosting birds and as such the development of such land could directly impact the SPA through the lost of important roosting habitat and/or through noise and visual disturbance. It is known that bird species associated with the international sites roost outside of the boundaries of these sites in arable areas. As no locations for development are provided this impact cannot be assessed here, however provisions in the Core Strategy that the competent authority (in this case Maldon District Council) will give consideration to the Essex international sites in order to inform development control decisions. Every project considered under the Core Strategy must have consideration of Essex international sites, such that there will be no likely significant adverse effects on the integrity of the site.
Policy CS 9, relating to gypsy sites and travellers details that 15 more pitches for travellers are required and that the selection of these sites is to take into account impact on landscape, environment and biodiversity. Currently no details regarding locations are known and as such depending on site location, there is potential for impacts to the international sites through recreational pressures. No significant impact is anticipated as the competent authority (in this case Maldon District Council) will give consideration to the Essex international sites in order to inform development control decisions. Every project considered under the Core Strategy must have consideration of Essex international sites, such that there will be no likely significant adverse effects on the integrity of the site.

Policy CS 27 relating to infrastructure and services, could effect the international sites depending on the types of improvements which are made to existing infrastructure and services or the types of new infrastructure to be provided. As details of infrastructure developments are not provided, both in terms of location and type of infrastructure the impacts to the designated sites cannot be predicted. However, no significant impact is anticipated as the competent authority (in this case Maldon District Council) will give consideration to the Essex international sites in order to inform development control decisions. Every project considered under the Core Strategy must have consideration of Essex international sites, such that there will be no significant adverse effects on the integrity of the site.

Describe any likely changes to the site arising as a result of:
- Reduction of habitat area;
- Disturbance to key species;
- Habitat or species fragmentation;
- Reduction in species density;
- Changes in key indicators of conservation value (e.g. water quality); and
- Climate change

An evaluation of potential impacts of the policies outlined above is shown in Table 1 (Appendix C).

The policies will not result in any reduction of habitat from within the international sites and will not result in species or habitat fragmentation. The policies within the Core Strategy will not result in changes in key indicators of conservation value such as water quality and will not result in significant greenhouse omissions and as such should not lead to climate change.

At this current time detailed information is not known about potential sites for development within the countryside, areas where tourism will be focused and details of the proposed size or housing. These aspects could result in reduction in species density due to disturbance. However, as every project considered under the Core Strategy must have consideration of the Essex Estuary international sites such that there will be no developments permitted that will lead to significant adverse effects on the integrity of the sites.
7. Conclusions

Is the Maldon Local Development Framework likely to have a significant effect ‘alone or in combination’ on the Essex international sites?

7.1 There is no likely significant effect of Maldon District’s Core Strategy ‘alone’ on the Essex international sites.

7.2 Text present in Natural Heritage section of the Core Strategy states that any proposed development likely to have significant effect on these internationally important sites will be subject to a Habitats Regulation Assessment (HRA). The Core Strategy therefore ensures that the competent authority (in this case Maldon District Council) will give consideration to Essex international sites in order to inform more detailed Core Strategy documents and development control decisions. The text states that where it cannot be demonstrated that a development proposal will not have an adverse effect on the integrity of a site of European or international importance to nature conservation, such development is not supported by the Core Strategy and will not be permitted. Therefore, any specific development proposals will need to be in line with the Core Strategy and will need to satisfy Maldon District Council and Natural England that there will either be no likely significant effects from the development on the two internationally important sites or that any significant adverse effects can be effectively mitigated or compensated.

7.3 Other existing provisions to protected international sites within the Core Strategy include the various Environmental Policies within the Strategy (including the supporting text of Policy CS 19 - Protection and enhancement of natural environment, Policy CS 23 - Environmental impact of new development and Policy CS 26 - Sustainable transport for everyone). Supporting documents (and associated policies/sections of importance) that lead, indirectly, to the protection of the internationally important sites include policies within the East of England Plan relating to Built and Natural Heritage, Policy ENV 3 from the East of England Plan and Priorities from the Sustainable Community Strategy.

7.4 Although the policies themselves will not have any likely significant impacts on the integrity of the internationally important sites the effects of certain policies within the Core Strategy may only become clear as they are translated into more specific local policies and development projects. Further information is required at the detailed Core Strategy stage (e.g. preparation of Area Action Plans or other Development Plan Documents, Supplementary Planning Documents) and the development control stage to allow the competent authority (in this case, Maldon District Council) to enable them to assess whether there is likely to be a significant impact on the international sites, and thus, determine whether a full Appropriate Assessment is needed at that stage.

7.5 There are currently no other plans or projects, which have been identified as having the potential to cause a likely significant effect on the integrity of Essex Estuaries international sites.

7.6 In conclusion, there is no significant effect from the Maldon District Core Strategy alone or in-combination on the Essex Estuary international sites.

Name of assessor/originator: Sarah Bassett  
Date: 

Name of checker: Katrena Stanhope  
Date: 

Natural England Officer: 

Date: 

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SNRINS

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Appendix A : Maldon District Boundary
Figure A.1 - Maldon District Boundary
Appendix B : Location of International Sites included in the screening
Figure B.1 - Location of International Sites included in the screening

Legend

- Essex Estuaries Special Area of Conservation (SAC)
- Couch and Roach Estuaries Special Protection Area (SPA) and Ramsar site
- Dengie Special Protection Area (SPA) and Ramsar site
- Colne Estuary Special Protection Area (SPA) and Ramsar site
- Blackwater Estuary Special Protection Area (SPA) and Ramsar site
Appendix C : Initial Screening Assessment Information
C.1 Initial Screening Assessment Information

C.1.1 Tables 1 and 2 below show the initial assessment of each of the policies using the green, amber and red system:

- A ‘green’ policy means that there is thought to be enough information available at present to conclude that there is no likely significant effect from the policy on the integrity of international sites or their favourable conservation objectives;
- An ‘amber’ policy is one that has been amended so that the competent authority must consider the identified international sites through the planning control process;
- A ‘red’ policy is one that can be identified as having a significant effect on the integrity of the international sites based on current information. None of the policies contained within the Strategy were assessed as falling within this category.

C.1.2 Where possible, policies that have been found to have no likely significant effect on a European site have been categorised into four different types:

- **Policy Type 1**: Policies that will not themselves lead to development (e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy, for example a policy may state the density for housing development, but does not state where or what type of housing will be built);
- **Policy Type 2**: Policies intended to protect the natural environment, including biodiversity;
- **Policy Type 3**: Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site; and
- **Policy Type 4**: Policies that positively steer development away from European sites and associated sensitive areas.

C.1.3 This has been based on The Habitats Regulations Assessment of Regional Spatial Strategies and sub-Regional Strategies (Draft Guidance) produced by Natural England in March 2007.
Table C.1 - Policies and their likely significant effects on the integrity of the Essex international sites.

This table should be read in conjunction with Maldon District Councils Local Development Framework, which provides a full description for each policy:

<table>
<thead>
<tr>
<th>Policy CS 1 – Creating sustainable developments</th>
<th>Possible detrimental effects on the Essex international sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICY TYPE 1: This policy relates to design and other qualitative criteria for development and will not lead directly to development. The policy identifies that all new development must prioritise the efficient use of land in the most sustainable locations and should be concentrated within the towns of Maldon, Heybridge, Burnham-on-Crouch and Southminster. The policy states that all development must minimise and mitigate individual and cumulative impacts on local and strategic infrastructure and services and avoid prejudicing, either individually or cumulatively characteristics and features of the built and natural environment.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy CS 2 – Development in the countryside</th>
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<td>This policy identifies that all development in the countryside will be restricted to defined uses in accordance with other policies in the Core Strategy. A number of these developments relate to other policies and as such have been addressed under other policies in the table: Defined uses: <strong>Development is to be restricted to agriculture and forestry.</strong> No specific locations for these types of developments are provided, if this type of development is to be undertaken then the text included in Policy CS 19 - Protection and enhancement of Natural Heritage means that any future planning application relating to this policy would have to take account of the possible likely significant effects on the SPA/Ramsar site. The need for an appropriate assessment would be identified as a result. As such, this element of the policy is considered to have no likely effect on the integrity of the SAC/SPA/Ramsar site. <strong>Rural housing developments to comprise 100% affordable housing</strong> (impact assessed under policy 8); <strong>Sites of gypsies and travellers and travelling show people</strong> (impact assessed under policy 9) <strong>New build employment generating proposals where there is a strategic, environmental or operational justification</strong> (impact assessed under policy 13 and 23); <strong>Community services and facilities to meet local need</strong> (impact assessed under policies 15, 16 and 27); and <strong>Essential infrastructure</strong> (impact assessed under policy 27) None of the elements have been determined to have a significant impact, the reasons for which are expanded upon within the policies referred to below.</td>
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<tr>
<th>Policy CS 3 – Spatial distribution and location of new housing</th>
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<td>This policy identifies the number of new dwellings to be delivered within the district. A total of 3000 units are to be provided by 2026. A total of 1052 of these have already been built, which leaves a further 1948 for construction. The supporting text for Policy CS 3 identifies strategic locations for housing; Maldon town and Heybridge, Burnham-on-Crouch and Southminster. Housing developments in these locations have potential for recreational impacts to the international sites, along with possible impacts as a result of increased demand on the sewerage network (in the event that additional discharges into the international sites are required). These impacts may disturb the important assemblages of wildfowl through recreation and may affect the habitats of the SAC through nutrient enrichment as a result of sewerage effluent. Additional housing will lead to increase treated sewage effluent, any resultant increase in discharge requirements will be strictly controlled through the discharge consents. Any application for changes to discharge consents made to the Environment Agency would be assessed in view of its impact to the designated site as required under the Water Framework Directive. Additional housing could also result in increased pressures through water based recreation. However this is controlled through the Essex Estuary Management Plan, which enforces a speed limited (8 knots) to ensure that roosting birds are not subject to disturbance and that saltmarsh habitats are protected from damage by jet skis. This management plan should help prevent any adverse impacts as a result of additional water based recreation. Given the low numbers of housing to be developed, it is also considered unlikely that the numbers of individuals undertaking such recreational activities is likely to be very low. The text included in Policy CS 19 - Protection and Enhancement of Natural Heritage</td>
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The text included in Policy CS 19 - Protection and Enhancement of Natural Heritage
... means that any future planning application would have to take account of the possible likely significant effects on the international site. Therefore, once details of site allocations are known, the site allocation DPD should be subject to a HRA. The Core Strategy ensures that the competent authority (in this case Maldon District Council) will give consideration to the Essex international sites in order to inform development control decisions. Every project considered under the Core Strategy must have consideration of Essex Estuary international sites, such that there will be no likely significant adverse effects on the integrity of the site. This must be carried out to the satisfaction of Maldon District Council and Natural England. Given this the provision of an additional 1,948 dwellings, wherever they are to be sited will not have any impact on the international sites.

In addition to the assessment undertaken above, The East of England RSS which determined the number of dwellings required in Maldon District was subject to a Habitats Directive Assessment. This RSS was subject to an assessment which considered the level of housing across the region and concluded that this would not affect the integrity of the SPA. The RSS states in Policy ENV3 that “in their plans, policies, programmes and proposals planning authorities and other agencies should ensure that internationally and nationally designated sites are given the strongest level of protection and that development does not have adverse effects on the integrity of sites of European or international importance for nature conservation”. Given this it is considered that the Policy CS 3 should not have any adverse effect on the Essex international sites.

Policy CS 4 – Phasing of development
POLICY TYPE 1: This policy relates to design and other qualitative criteria for development and will not lead directly to development

Policy CS 5 – Design and density
POLICY TYPE 1: This policy relates to design and other qualitative criteria for development and will not lead directly to development

Policy CS 6 – Composition and mix
POLICY TYPE 1: This policy relates to design and other qualitative criteria for development and will not lead directly to development

Policy CS 7 – Rural housing
POLICY TYPE 1: This policy relates to design and other qualitative criteria for development and will not lead directly to development

Policy CS 8 – Contributions to affordable housing
POLICY TYPE 1: This policy relates to design and other qualitative criteria for development and will not lead directly to development

Policy CS 9 – Supported housing
POLICY TYPE 1: This policy relates to design and other qualitative criteria for development and will not lead directly to development

Policy CS 10 – Gypsy and travellers sites
This policy sets out that suitable sites should be provided for Gypsies and Travellers. The RSS single issue review identified that 15 more pitches are required, although no details on locations are provided. The policy states that suitable sites will be identified by taking into account impact on landscape, environment and biodiversity. No specific locations for these types of developments are provided. However if this type of development is to be undertaken then the text included in Policy CS 19 - Protection and Enhancement of Natural Heritage means that any future planning application relating to this policy would have to take account of the possible likely significant effects on the SAC/ SPA/ Ramsar site. The need for an appropriate assessment would be identified as a result. As such, this element of the policy is considered to have no likely effect on the integrity of the international sites.

Policy CS 11 – Delivery through Partnership
POLICY TYPE 1: This policy will not lead directly to development

Policy CS 12 – Employment allocations
The policy states that employment allocations will be maintained for sites already in existence and the supporting text states that the Council does not consider that there is any current need to extend or create new employment allocations in the district.

POLICY TYPE 1: This policy will not lead directly to development

Policy CS 13 - Development within employment allocations
POLICY TYPE 1: This policy will not lead directly to development

16 East of England’s Regional Strategy Habitats Directive Assessment, ERM (December 2006) and Draft Regional Spatial Strategy for the east of England: Appropriate Assessment under the habitat Regulations, RPS (September 2007)
### Possible detrimental effects on the Essex international sites

| Policy CS 14 – Core retail areas | **POLICY TYPE 1:** This policy will not lead directly to development |
| Policy CS 15 – Local retail areas | **POLICY TYPE 1:** This policy will not lead directly to development |
| Policy CS 16 – Retention of local retail function | **POLICY TYPE 1:** This policy will not lead directly to development |

**Policy CS 17 – Tourism**

The Council will support and promote any proposal which will contribute to the growth of local tourism in a sustainable manner. The Council will identify a network of tourist attractions for the district and explore the full potential of these attractions. Details of these attractions will be given within the Maldon Central Area Action Plan. Any tourism which encourages the use of the SAC/SPA/Ramsar sites will be designed in consultation with Natural England to prevent adverse impacts to the international sites. An appropriate assessment will also be undertaken the lower tier plan stage to assess impacts of the Maldon Central Area Action Plan on international sites. This policy also contains provisions to ensure that any tourist attractions which encourage the use of the international sites or are adjacent to the designated sites will be designed in consultation with Natural England to avoid adverse impacts. This may include the use of mitigation measures including; the design of vegetation and landscaping to ensure screening and buffering to SAC/SPA/Ramsar site, to fence and/or control access to the sensitive areas of the SAC/SPA/Ramsar site and the use of interpretation boards where necessary. The Council also supports development of a new hotel with at least 80 beds in the area. No specific locations for this development are provided. However if this type of development is to be undertaken then the text included in Policy CS 19 - Protection and Enhancement of Natural Heritage means that any future planning application relating to this policy would have to take account of the possible likely significant effects on the SAC/SPA/Ramsar site. The need for an appropriate assessment would be identified as a result. As such, this element of the policy is considered to have no likely effect on the integrity of the international sites.

**Policy CS 18 – Rural diversification**

The Council is to encourage rural diversification on brownfield and previously developed sites, i.e. conversion of agricultural buildings and re-use of vacant buildings. The Core Strategy details that the Council will strictly control the extent and possible impact of proposed developed and external features in relation to the development upon the natural environment. Examples of rural diversification include farm tourist accommodation, farm shops, small business development and small scale recreation activities. The locations for these types of diversification are not provided. However as development is to be located within existing sites and any recreation and tourist accommodation would be on a small scale this policy is unlikely to result in a significant impact on the integrity of the SAC/SPA/Ramsar. Furthermore in the text included in Policy CS 19 - Protection and Enhancement of Natural Heritage means that any future planning application relating to this policy would have to take account of the possible likely significant effects on the SPA/Ramsar site. The need for an appropriate assessment would be identified as a result. As such, this element of the policy is considered to have no likely effect on the integrity of international sites.

| Policy CS 19 – Protection and enhancement of natural heritage | **POLICY TYPE 3:** This policy seeks to protect the natural environment |
| Policy CS 20 – Protection and enhancement of built heritage | **POLICY TYPE 3:** This policy will not lead directly to development. This policy intends to conserve buildings of local architectural or historic interest (or their settings). |
| Policy CS 21 – Design for new development | **POLICY TYPE 1:** This policy relates to design and other qualitative criteria for development and will not lead directly to development |
| Policy CS 22 – Concept statement for development schemes | **POLICY TYPE 3:** This policy is intended to conserve or enhance the natural, environment. |
| Policy CS 23 – Environmental impact of new development | **POLICY TYPE 2:** This policy is intended to protect the natural environment, including biodiversity. |
### Possible detrimental effects on the Essex international sites

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<th>Policy</th>
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<tr>
<td>Policy CS 24 – Flood risk</td>
<td><strong>POLICY TYPE 1:</strong> This policy relates to design and other qualitative criteria for development (in relation to SUDS and flood protection) and will not lead directly to development.</td>
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<td>Policy CS 25 – Accessibility requirements for new developments</td>
<td><strong>POLICY TYPE 1:</strong> This policy does not directly determine transport provisions but aims to guide new development to locations which reduce the need for car journeys and distances driven or which permits the choice of more sustainable energy efficient public transport. This policy relates to design and other qualitative criteria for development and will not lead directly to development.</td>
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| Policy CS 26 – Sustainable transport for everyone | This policy relates to the provision of sustainable transport. The policy states that improvements are required in the provision of public transport facilities in the district. The policy also states that a more comprehensive cycle route and public path network for Maldon District will be developed; specifically that council will seek to continue to extend the existing network in Maldon town/Heybridge, connecting it to Witham via the Blackwater trail.  

The supporting text for this policy details that cycling and pedestrian networks can link the wide range of green infrastructure assets in the district. These will be particularly relevant along the coast but also across the Dengie, which has international and national protection and is a sensitive environment. Managed properly, such networks will ensure that more people can access and enjoy parts of the district which they would not otherwise visit.  

The policy supporting text details that any green infrastructure assets which are adjacent to the SAC/SPA’s/Ramsar sits within the district will be designed in consultation with Natural England to prevent adverse impacts on the European Sites. If mitigation measures are required to prevent impacts on the SAC/SPA/Ramsar sites these may include one of more of the following:  

- The design of vegetation and landscaping schemes to ensure adequate screening and buffering to the SAC/SPA/Ramsar site;  
- If necessary, fencing and/or controlled access to the most sensitive areas of the SAC/SPA/Ramsar site; and  
- The use of interpretation/information boards if appropriate.  

Due to this wording within the policy it is considered that there are no significant impacts to the international sites. |
| Policy CS 27 – Infrastructure and services | This policy relates to the Council’s aims regarding infrastructure and services. The policy states that the Council will ensure that the existing infrastructure and services are protected and improved to meet residents needs and that infrastructure is provided for new developments where required.  

As the Core Strategy ensures that the competent authority (in this case Maldon District Council) will give consideration to the Essex international sites in order to inform development control decisions, the international sites should be considered when infrastructure improvements are made, or when new infrastructure is to be developed. Every project considered under the Core Strategy must have consideration of Essex Estuary international sites, such that there will be no likely significant adverse effects on the integrity of the site. |